

REMARKS

I. Summary of the Office Action

Dependent claim 10 has been rejected under 35 U.S.C. § 112 as allegedly being indefinite.

Independent claim 1 and dependent claims 3, 4, 11, and 13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beck U.S. Patent No. 6,276,761 (hereinafter "Beck") in view of Freeman U.S. Patent No. 3,272,980 (hereinafter "Freeman").

Dependent claims 2 and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beck in view of Freeman, in further view of Buma et al. U.S. Patent No. 4,911,617 (hereinafter "Buma I").

Dependent claims 5 and 6 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beck in view of Freeman, in further view of Buma et al. U.S. Patent No. 4,799,707 (hereinafter "Buma II").

Dependent claim 7 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beck in view of Freeman, in further view of Muller et al. U.S. Patent No. 4,616,881 (hereinafter "Muller").

Dependent claims 8-10 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beck in view of Freeman and Muller, in further view of Terborn et al. U.S. Patent No. 6,149,246 (hereinafter "Terborn").

II. Interview Summary

The Examiner, Supervisory Patent Examiner Robert Siconolfi, and Applicants' representative, under the supervision of the undersigned, conducted a telephonic interview on

March 2, 2011 to discuss the present application and the prior art applied by the Examiner.

Applicants' representatives wish to thank the Examiner and SPE Siconofli for the courtesies extended during the interview. During the interview, the participants discussed an amendment to claim 1 to clarify the "normal" state of the electrically actuatable valves as the de-energized default state in which the recited first plurality of valves is in an open position and in which the recited at least one other electrically actuatable valve is in a closed position. This clarifying amendment was favorably received by the Examiners. Applicants have amended claim 1 herein in accordance with the proposal discussed during the interview.

III. Applicants' Reply to the 35 U.S.C. § 112 Rejections

Applicants have amended claim 10 to clarify that the recited secondary load circuit refers to the "at least one" secondary load circuit. No new matter has been added and the amendment is fully supported by Applicants' originally filed application. The rejection of claim 10 under 35 U.S.C § 112 is respectfully traversed.

IV. Applicants' Reply to the 35 U.S.C. §103(a) Rejections over Beck in view of Freeman

The Examiner has rejected independent claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Beck in view of Freeman. Applicants respectfully traverse.

Applicants' claimed invention, as recited in amended independent claim 1, is directed to an electronic compressed air system for a vehicle. The compressed air system includes a compressed air supply part and a compressed air consumer part. The compressed air consumer part includes, among other things, a plurality of service-brake circuits, a high pressure compressed air load circuit, and electrically actuatable valves. The electrically actuatable valves

include a "first plurality of electrically actuatable valves" and "at least one other electrically actuatable valve." The first plurality of electrically actuatable valves are operable to supply compressed air to the service-brake circuits and are in open position in a de-energized default state. The default state being the state of the valves in the normal course of operation.

As noted in previous correspondence, Beck is directed to an air braking system for a vehicle. The Examiner relies upon Beck as allegedly showing all features of Applicants' claim 1, apart from the claimed feature of electrically actuatable valves being in an open position in a de-energized state.

To make up for this deficiency of Beck, the Examiner cites Freeman. Freeman is directed to a braking system for trains, like the previously cited Crouch reference that it replaced. Freeman disclose an electro-pneumatic valve which when de-energized, opens an air line to initiate brake application. Hence, the valve, in default operation, is normally energized and closed. Respectfully, the Examiner mischaracterizes the reference as disclosing an electrically actuatable valve that is normally open in a de-energized state in order to effect service brake application.

Moreover, it is submitted that Freeman does not address the merits of the argument put forth in the reply to the previous final Office Action—one that was looked upon favorably in a previous interview with the Examiner. Applicants' representative explained in the previous Examiner interview and the reply to the previous final Office Action that combining Crouch with Beck would render the Beck system inoperable for its intended purpose. The Examiner appears to have acknowledged this line of reasoning because the Crouch reference was not cited again. However, the Examiner, in citing Freeman, has introduced a reference that shares the same severe deficiencies as Crouch.

During the recent telephonic interview, however, the Examiners acknowledged that the cited references, including Beck and Freeman, do not show or suggest the compressed air system recited in claim 1. In particular, the Examiners acknowledged that neither Beck nor Freeman show or suggest a first plurality of electrically actuatable valves operable to supply compressed air to the service-brake circuits and being in open position in a de-energized default state.

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that independent claim 1, and the claims depending therefrom, (i.e., claims 3, 4, 11, and 13) are patentable over the combination of Beck and Freeman. Applicants therefore respectfully request that the 35 U.S.C. § 103(a) rejection of claims 1, 3, 4, 11, and 13 be withdrawn.

V. Applicants' Reply to the 35 U.S.C. §103(a)
 Rejections over Buma I, Muma II, Muller, and Terborn

The Examiner rejected claims 2 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Beck in view of Freeman and further in view of Buma I. The Examiner also rejected claims 5 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Beck in view of Freeman and further in view of Buma II. The Examiner further rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Beck in view of Freeman and further in view of Müller. Lastly, the Examiner rejected claims 8-10 under 35 U.S.C. § 103(a) as being unpatentable over Beck in view of Freeman and Müller and further in view of Terborn.

Claims 2, 5-10, and 12 each depend from independent claim 1. As explained above, independent claim 1 is patentable. Accordingly, Applicants respectfully submit that dependent claims 2, 5-10, and 12 are patentable at least because they depend from a patentable

base claim. Applicants therefore respectfully request that the 35 U.S.C. § 103(a) rejections of these claims be withdrawn.

VI. Applicants' Reply to the Provisional Double Patenting Rejection

The Examiner provisionally rejected claim 1 on the grounds of non-statutory obviousness-type double patenting over co-pending Application No. 10/566,016 in view of Beck. Applicants respectfully submit that this provisional rejection is moot in view of the interview, foregoing amendments and these remarks.

VII. Conclusion

On the basis of the foregoing, Applicants respectfully submit that this application is in condition for immediate allowance. Notice to this effect is earnestly solicited.

The Examiner is invited to contact Applicants' representatives at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Response. Please charge any fee deficiency to Deposit Account No. 50-0540.

Respectfully submitted,

/Richard L. Moss/
Randy Lipsitz, Esq.
Reg. No. 29,189
Richard L. Moss, Esq.
Reg. No. 39,782
Attorneys for Applicants
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, New York 10036
(212) 715-9100